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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,043

03/22/2004

George W. Ratermann

RM1-003

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EXAMINER

LEE, CLOUD K

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,043

Applicant(s)

RATERMANN, GEORGE W.

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 13, 16, 17, 21, 27, 28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 13, 16, 17, 21, 27, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 13, 16, 17, 21, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stull (US Patent No. 5,417,349) in view of Buermann (US Patent No. 6,003,714).

Stull discloses a valve (figure 6) including a first fitting (see figure 3, the nozzle 22), a second fitting connectable to a tank (see figure 3, element 20), a tapered cylinder (12) having an inner tapered surface and outer tapered surface (see figure 3), each having a securing means (25 and the protrusion around the cylinder outer surface) on both said inner and said outer tapered surface, a base extending across the tapered cylinder, the base positioned to inhibit particles from entering the first fitting (see figure 3). Stull discloses a strip (28) attached to one side of the tapered cylinder and bendable about the valve, however, Stull fails to disclose a second strap attached to another side of the tapered cylinder.

Buermann discloses a tamper notification and protection device comprising means (1 and 13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the means or the tapered cylinder for blocking the first fitting (see figure 2), first strap fastenable to the second

strap (28 and 94), a burst disk (28), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a first strap receiver (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a first and second strips in arrangement with Stull's tapered cylinder in order to secure the tapered cylinder on the valve.

Regarding claim 13, Buermann discloses the first strap and second strap is bendable at any location along the straps because the straps are bendable everywhere.

Regarding the intended used limitation "a ring through which the burst strap is insertable", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

3. Claim 1-3, 5-9, 13, 16-17, 21, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boring (US Patent No. 5,297,697) in view of Buermann.

Boring discloses a valve (figure 3) including a first fitting (see figure 3, the nozzle 24), a second fitting connectable to a tank (see figure 3, element 26), a tapered cylinder (56) having an inner tapered surface and outer tapered surface (see figure 1), each having a securing means (68 and 70) on both said inner and said outer tapered surface, a base extending across the tapered cylinder, the base positioned to inhibit particles from entering the first fitting (see figure 3),

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wherein the tapered cylinder having a base includes a first and a second open end (see figure 1, near 60 and 70). Stull discloses a strip (28) attached to one side of the tapered cylinder and bendable about the valve, however, Stull fails to disclose a second strap attached to another side of the tapered cylinder.

Buermann discloses a tamper notification and protection device comprising means (1 and 13) for blocking particles from entering the first fitting wherein the means for blocking is a thimble, first and second straps (2 and 3) bendable about the valve and attached the means or the tapered cylinder for blocking the first fitting (see figure 2), first strap fastenable to the second strap (28 and 94), a burst disk (28), a tab disposed on the first wherein the tab including perforations (19 and 21), an indentation at the strap is bendable (15, 16, 22 and 23), the second strap further comprises a first strap receiver (28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a first and second strips in arrangement with Stull's tapered cylinder in order to secure the tapered cylinder on the valve.

Regarding claim 13, Buermann discloses the first strap and second strap is bendable at any location along the straps because the straps are bendable everywhere.

Regarding the intended used limitation "a ring through which the burst strap is insertable", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

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4. Claims 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boring (US Patent No. 5,297,697) in view of Buermann as applied to claims 1-3, 5-9, 13, 16-17, 21, 28 and 30 above, and further in view of Robbins et al (US Patent No. 6,783,031).

Regarding claims 16 and 27, the combination of Boring and Buermann fails to disclose the securing means are tangs. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided tangs as the securing because applicant has not disclosed that tangs provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with securing means are threads because Robbins et al (US Patent No. 6,783,031) disclose the threads and tangs are interchangeable and similar tangs structure for engagement is suitable (see Col 4 lines 22-29). Therefore, it would have been an obvious matter of design choice to modify Buermann to obtain the invention as specified in claim 16 and 27.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 17 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

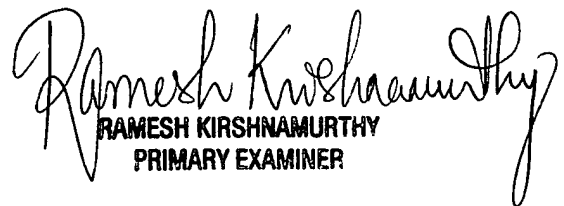
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL


RAMESH KIRSHNAMURTHY
PRIMARY EXAMINER